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AN
"ANALYTICAL INDEX
TO THE
UPPER-CANADA DIVISION COURTS ACTS,
AND TO THE
RULES AND FORMS
IN USE IN THE SEVERAL DIVISION COURTS IN UPPER
CANADA, AS APPROVED BY THE JUDGES OF THE
SUPERIOR COURT OF COMMON LAW,

BY HIS HONOUR
JAMES ROBERT "GOWAN",
JUDGE OF THE COUNTY OF SIMCOE.

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INTRODUCTORY NOTICE BY THE PUBLISHER.

The Upper Canada Division Courts were established in 1841 taking the place of the old Courts of Request in 1792 and like them were originally confined to small debts. The general system of Local Judicatories with properly qualified officers was found to be an immense improvement in the administration of the law; and, as a writer in the Westminster Review observes, practical improvements in the administration of the law cannot exist and be operative without men asking why they cannot be extended in their application. This question was asked by the country and responded to by the Legislature in a great increase of jurisdiction to the Division Courts. They have ceased to be "small debt" Courts, and a very great amount of the law business of the country is now transacted in them. Differences between man and man which the law takes cognizance of *will* arise, and in Upper Canada as well as elsewhere the merchant, the artisan and others must give their property or their labor on trust, debtors *will not* keep their engagements and the law has to be resorted to for aid. *What more want are tribunals wherein speed and cheapness are joined with intelligent administration.* These the present Division Courts law is well calculated to secure.

The law of these Courts is comprised in the 13th and 14th Vic, chap. 53, and 16th Vic, chap. 177 and the general Rules of Practice and Forms framed by the committee of Judges under the provisions of the last named act.

The matter in these statutes it must be confessed is jumbled strangely together, and like most of our statutes their general construction and arrangement is not such as to render reference easy on any desired point. The Rules and Forms are necessarily lengthy, as their object is to secure uniformity of procedure in all the Courts, to settle doubtful points, and by developing the mode of proceeding and giving a full collection of cases to assist officers in their duties and to instruct suitors how to proceed in the recovery of their rights in Courts where lawyers are not recognized.

The two statutes contain 147 sections and the Rules and Forms together number 138.

An analysis bringing the whole law of these Courts into a systematic arrangement ranging the different matters under appropriate heads and combining verbal reference to every part of the Statutes Rules and Forms was

obviously needed with a view to understanding their contents and to Lawyer as well as others indispensable for ready reference.

Such a work, no trifling labor in itself, required some one thoroughly conversant with the working of the law to produce. This labor Judge Gowan imposed on himself and most satisfactorily executed in the following analytical Index thereby largely contributing to secure the full usefulness of the Courts he is connected with—and by his kindness we are enabled to give it to the public in a cheap and convenient form. We think it right towards Judge Gowan to copy a memorandum from him left with the manuscript.

"The only hesitation I had in placing my Index at your disposal arose in this: I had originally prepared for use in my own county an Index to the Division Courts Acts only, but acting on the suggestion of my brother commissioners I enlarged it so as to embrace the new general Rules and Forms, printed at the "Leader" office. This involved a re-arrangement and the introduction of much additional matter which I had only a short time to accomplish, and I was unwilling to give the Index in rough copy desiring to make time to put it in better shape for the printer. My friend Mr. W. D. Ardagh, student at law, having now undertaken to correct the Press and collate the references, I most willingly give you the Index, for I believe it will be found useful to every one having business with the Division Courts; and any trouble there was in preparing it will be compensated in the prospect of extended usefulness by means of the large edition you purpose publishing.

"20th September, 1854."

LEADER & PATRIOT OFFICE,
Toronto, January, 1855.

[N. B.—The figures refer to the Form respectively.
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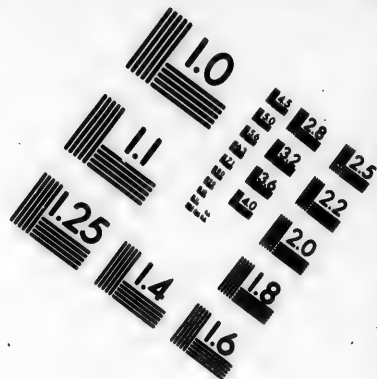
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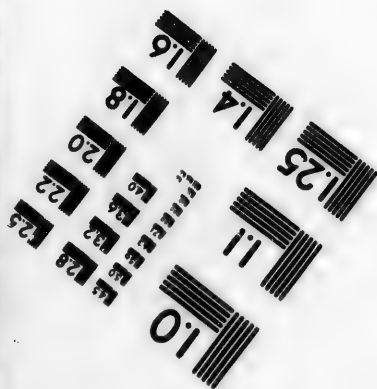
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